



# House of Representatives

## **File No. 900**

General Assembly

January Session, 2011

**(Reprint of File No. 660)**

House Bill No. 6642  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
June 3, 2011

### **AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (Effective October 1, 2012) (a) Any agency of the  
2       state or any political subdivision of the state that incarcerates or  
3       detains adult offenders, including persons detained for immigration  
4       violations, shall, within available appropriations, adopt and comply  
5       with the applicable standards recommended by the National Prison  
6       Rape Elimination Commission for the prevention, detection and  
7       monitoring of, and response to, sexual abuse in adult prisons and jails,  
8       community correction facilities and lockups.

9       (b) Such standards include, but are not limited to:

10       (1) Zero tolerance of sexual abuse;

11       (2) Contracting with other entities for the confinement of inmates or  
12       detainees;

13       (3) Inmate or detainee supervision;

- 14       (4) Heightened protection for vulnerable detainees;
- 15       (5) Limits to cross-gender viewing and searches;
- 16       (6) Accommodating inmates or detainees with special needs;
- 17       (7) Hiring and promotion decisions;
- 18       (8) Assessment and use of monitoring technology;
- 19       (9) Evidence protocol and forensic medical examinations;
- 20       (10) Agreements with outside public entities and community service
- 21 providers;
- 22       (11) Agreements with outside law enforcement agencies;
- 23       (12) Agreements with the prosecuting authority;
- 24       (13) Employee training;
- 25       (14) Volunteer and contractor training;
- 26       (15) Inmate education;
- 27       (16) Detainee, attorney, contractor and inmate worker notification of
- 28 agency's zero-tolerance policy;
- 29       (17) Specialized training: Investigations;
- 30       (18) Specialized training: Medical and mental health care;
- 31       (19) Screening for risk of victimization and abusiveness;
- 32       (20) Use of screening information;
- 33       (21) Inmate or detainee reporting;
- 34       (22) Exhaustion of administrative remedies;
- 35       (23) Inmate access to outside confidential support services or legal

- 36 representation;
- 37 (24) Third-party reporting;
- 38 (25) Staff and facility or agency head reporting duties;
- 39 (26) Reporting to other confinement facilities;
- 40 (27) Staff first responder duties;
- 41 (28) Coordinated response;
- 42 (29) Agency protection against retaliation;
- 43 (30) Duty to investigate;
- 44 (31) Criminal and administrative agency investigations;
- 45 (32) Evidence standard for administrative investigations;
- 46 (33) Disciplinary sanctions for staff;
- 47 (34) Disciplinary sanctions for inmates;
- 48 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 49 (36) Medical and mental health screenings: History of sexual abuse;
- 50 (37) Access to emergency medical and mental health services;
- 51 (38) Ongoing medical and mental health care for sexual abuse
- 52 victims and abusers;
- 53 (39) Sexual abuse incident reviews;
- 54 (40) Data collection;
- 55 (41) Data review for corrective action;
- 56 (42) Data storage, publication, and destruction; and

57       (43) Audits of standards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** See Below

**Explanation**

It is anticipated that state and municipal agencies that incarcerate or detain adults currently utilize practices that are sufficiently compliant with draft standards promulgated by the National Prison Rape Elimination Commission so as to preclude a fiscal impact. However, it should be noted that the Commission's standards are not yet finalized and may be subject to change. The bill requires compliance with applicable standards within available appropriations.

House "A" changes the bill's effective date from 10/1/11 to 10/1/12. It also limits the applicability of the bill's requirements to state and municipal agencies serving adult offenders. The original bill would have also applied specified standards to agencies serving juvenile offenders.

**The Out Years**

**State Impact:** See Above

**Municipal Impact:** See Above

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**OLR Bill Analysis****HB 6642 (as amended by House "A")\******AN ACT CONCERNING THE RECOMMENDATIONS OF THE NATIONAL PRISON RAPE ELIMINATION COMMISSION.*****SUMMARY:**

Within available appropriations, this bill requires state and municipal agencies that incarcerate or detain adult offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, and lockups.

\*House Amendment "A" changes the effective date from October 1, 2011 to October 1, 2012 and eliminates the bill's application to, and specific provisions regarding, juvenile offenders and facilities.

EFFECTIVE DATE: October 1, 2012

**STANDARDS**

At a minimum, the bill requires the agencies to adopt and comply with the standards on:

1. zero tolerance of sexual abuse and notifying detainees, attorneys, contractors, and inmate workers of this policy;
2. contracting with other entities for the confinement of inmates or detainees;
3. supervising inmates or detainees;

4. heightened protection for vulnerable detainees;
5. limiting cross-gender viewing and searches;
6. accommodating inmates or detainees with special needs;
7. hiring and promotion decisions;
8. assessing and using monitoring technology;
9. adopting evidence protocols and requiring forensic medical examinations;
10. reaching agreements with outside public entities, community service providers, outside law enforcement agencies, and prosecutors;
11. training employees, volunteers, and contractors;
12. educating inmates;
13. specialized training on investigations and medical and mental health care;
14. screening for risk of victimization and abusiveness;
15. establishing reporting procedures for inmates, detainees, and third parties;
16. exhausting administrative remedies;
17. giving inmates access to outside confidential support services or legal representation;
18. establishing reporting duties of staff and facility or agency heads and requiring reporting to other facilities;
19. establishing first responder duties;
20. coordinating responses;

21. protecting inmates or other detainees from retaliation;
22. establishing the duty to investigate incidents, providing for criminal and administrative investigation, and setting the evidence standard for administrative investigations;
23. establishing disciplinary sanctions for staff and inmates;
24. referring detainee-on-detainee sexual abuse for prosecution;
25. screening medical and mental health for the history of sexual abuse;
26. providing access to emergency medical and mental health services and ongoing medical and mental health care for sexual abuse victims and abusers;
27. reviewing sexual abuse incidents;
28. collecting and reviewing data for corrective action and providing for data storage, publication, and destruction; and
29. auditing the standards.

## **BACKGROUND**

### ***National Prison Rape Elimination Commission***

Congress created this commission to study the causes and consequences of sexual abuse in prison and develop standards to eliminate prison rape. The commission submitted its report in June 2009. The report included detailed standards to reduce sexual abuse of offenders in adult prisons and jails, juvenile detention facilities, facilities housing immigration detainees, lock-ups, and community corrections. Its recommendations include:

1. improving identification of vulnerable inmates, protecting them without isolating them, and providing rehabilitative programs;
2. rigorous internal monitoring and external oversight;



3. ensuring that reporting procedures instill confidence in victims and protect them from retaliation;
4. thorough and competent investigations;
5. holding perpetrators accountable through administrative sanctions and criminal prosecution; and
6. ensuring victims' immediate and ongoing access to medical and mental health care and supportive services.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 42      Nay 0      (04/14/2011)